

UNITED STATES DISTRICT COURT
FOR THE
EASTERN DISTRICT OF CALIFORNIA

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Clerk, Northern District of California
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San Francisco, California 94102

C 07 4090 SBA (PR)
(PR)

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

RE: MICHAEL JOHN SANTOS-WALTERS vs. LINDA DIAZ
USDC No.: 1:07-CV-01109-AWI-DLB

Dear Clerk,

Pursuant to the order transferring the above captioned case to your court, dated August 02, 2007, transmitted herewith are the following documents.

C Electronic Documents: 1 to 5.

Documents maintained electronically by the district court are accessible through PACER for the Eastern District of California at <https://ecf.caed.uscourts.gov>.

Please acknowledge receipt on the extra copy of this letter and return to the Clerk's Office.

Very truly yours,

August 2, 2007

/s/ C. Esteves

Deputy Clerk

JESSIE MOSLEY

Please Print Name

DATE RECEIVED:

AUG - 9 2007

NEW CASE
NUMBER:

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL JOHN SANTOS-WALTERS

1:07-cv-01109-AWI-DLB (PC)

Plaintiff.

VS.

ORDER TRANSFERRING CASE

LINDA DIAZ, et al.

Defendants.

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action pursuant to 42 U.S.C. § 1983, together with a request to proceed in forma pauperis pursuant to 28 U.S.C. § 1915.

19 The federal venue statute requires that a civil action, other than one based on diversity
20 jurisdiction, be brought only in "(1) a judicial district where any defendant resides, if all defendants
21 reside in the same state, (2) a judicial district in which a substantial part of the events or omissions
22 giving rise to the claim occurred, or a substantial part of the property that is the subject of the action
23 is situated, or (3) a judicial district in which any defendant may be found, if there is no district in
24 which the action may otherwise be brought." 28 U.S.C. § 1332(b).

25 In this case, none of the defendants reside in this district. The claim arose in Monterey
26 County, which is in the Northern District of California. Therefore, plaintiff's claim should have
27 been filed in the United States District Court for the Northern District of California. In the interest
28 of justice, a federal court may transfer a complaint filed in the wrong district to the correct district.

1 See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d 918, 932 (D.C. Cir. 1974).

2 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States
3 District Court for the Northern District of California.

4 IT IS SO ORDERED.

5 Dated: August 1, 2007

/s/ Dennis L. Beck
6 UNITED STATES MAGISTRATE JUDGE

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CLOSED, PRISONER_CIVIL_RIGHTS

U.S. District Court
Eastern District of California - Live System (Fresno)
CIVIL DOCKET FOR CASE #: 1:07-cv-01109-AWI-DLB
Internal Use Only

CC) Santos-Walters v. Diaz et al
Assigned to: Judge Anthony W. Ishii
Referred to: Magistrate Judge Dennis L. Beck
Cause: 42:1983 Prisoner Civil Rights

Date Filed: 07/30/2007
Date Terminated: 08/02/2007
Jury Demand: None
Nature of Suit: 550 Prisoner Civil Rights
Jurisdiction: Federal Question

Plaintiff

Michael John Santos-Walters

represented by Michael John Santos-Walters
K-20095
SVSP
PO Box 1050
Soledad, CA 93960
PRO SE

Defendant

Doctor Linda Diaz
Pain Management Doctor

Defendant

Nguyen
Doctor CTC Coordinator Manager

Defendant

Dudley Lee
Health Care Manager - Chief Medical Officer

Defendant

MTA Gee
MTA - LVN

Defendant

Lovesia Bey
Nurse Practitioner

Defendant

D. Jeans

Registered Nurse

Date Filed	#	Docket Text
07/30/2007	①	(1983) COMPLAINT against Linda Diaz, Nguyen, Dudley Lee, Gee, Lovesia Bey, D. Jeans by Michael John Santos-Walters. MAINTAINED IN PAPER. (Verduzco, M) (Entered: 08/01/2007)
07/30/2007	②	MOTION to PROCEED IN FORMA PAUPERIS by Michael John Santos-Walters. (Verduzco, M) (Entered: 08/01/2007)
07/30/2007	③	MOTION to APPOINT COUNSEL. by Michael John Santos-Walters. (Verduzco, M) (Entered: 08/01/2007)
08/01/2007	④	PRISONER NEW CASE DOCUMENTS ISSUED; (Attachments: # 1 Consent Forms) (Verduzco, M) (Entered: 08/01/2007)
08/01/2007	⑤	SERVICE BY MAIL: 4 Prisoner New Case Documents for AWI served on Michael John Santos-Walters. (Verduzco, M) (Entered: 08/01/2007)
08/01/2007	⑥	(Court only) ***STAFF NOTE: Case screened; Transfer order submitted to DLB/dm. (Verduzco, M) (Entered: 08/01/2007)
08/02/2007	⑦	ORDER, CASE TRANSFERRED to District of CA/Northern signed by Judge Dennis L. Beck on 08/01/2007. CASE CLOSED. (Esteves, C) (Entered: 08/02/2007)
08/02/2007	⑧	TRANSMITTAL of DOCUMENTS on *8/2/2007* to * Clerk, Northern District of California* *450 Golden Gate Avenue, 16th Floor* *San Francisco, California 94102*. *** *Electronic Documents: 1 to 5. * (Esteves, C) (Entered: 08/02/2007)
08/02/2007	⑨	SERVICE BY MAIL: 5 Order, Case Transferred Out to Northern District served on Michael John Santos-Walters. (Esteves, C) (Entered: 08/02/2007)